

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STEPHEN DWAYNE LESTER,

No. C 10-5365 WHA (PR)

Plaintiff,

**ORDER GRANTING IN PART AND
DENYING IN PART MOTION TO
COMPEL AND FOR SANCTIONS**

v.

DEPUTY NUE, DEPUTY TILTON,
SAN FRANCISCO COUNTY JAIL
MEDICAL DEPARTMENT, DOES 1-
1000,

(Docket Nos. 51)

Defendants.

Plaintiff filed this pro se civil rights action under 42 U.S.C. 1983. He was in jail when he filed this action, but he no longer is in custody. His claims against all defendants except Deputy Nue were dismissed. Nue's motion to dismiss was subsequently denied, and his motion for summary judgment is now due on July 20, 2012. Nue has filed a motion to compel plaintiff to attend a deposition and for sanctions. On one occasion, plaintiff agreed to attend his deposition and then did not appear at the agreed time and place. Nue then attempted on at least two occasions to schedule a deposition for another time, but plaintiff did not agree on a time for the deposition. Plaintiff is ordered to appear for a deposition within **21 days** of the date this order is filed; his failure to do so will result in the dismissal of this action for failure to prosecute, the payment of monetary sanctions, or both. *See* Fed. R. Civ. P. 30, 37, 41. In light of plaintiff's pauper status, defendant's request for \$825 in sanctions is **DENIED**.

IT IS SO ORDERED.

Dated: June 28, 2012.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE